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## Message:

Patent Office Filing for  
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Debra L. Hale

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cubukeu et al.

Serial No.: 10/612,330

Filed: July 2, 2003

For: **CERAMIC COMPOSITE  
ELECTROLYTIC DEVICE AND  
METHOD**

Examiner:

Art Unit: 1746

Attorney Docket No.: 21980/04012

Customer No. 24024

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the restriction requirement of June 14, 2006, applicants elect Group II drawn to claims 4-33, with traverse.

MPEP § 806.01 makes clear that it is the claimed subject matter which must be compared in determining if a restriction is warranted. Here, the examiner's explanation of why Groups I and II are drawn to distinct inventions appears to disregard the language of claims 1 and 4, respectively. Claim 4 merely refers to "applying" a ceramic material, which is generic to all of the particular coating techniques cited by the examiner. Thus, there is no basis for asserting that claims 1 and 4 are distinct from one another.

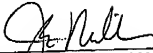
Since claims 5-33 depend on claim 4, this restriction is improper as it relates to these claims as well. See, MPEP § 806.04 & 37 C.F.R. §1.146. (Restriction between a reasonable number of species claims linked by an allowable generic claim is improper.)

(JEM1839.DOC:1)

Respectfully submitted

Date:

6/26/06

  
\_\_\_\_\_  
John E. Miller, Reg. No. 26,206  
(216)622-8579

(JEN1638.DOC;1)

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